

*Bowen*

**COVER SHEET**

**Civil Case Filing Form**  
(To be completed by Attorney/Party  
Prior to Filing of Pleading)

Mississippi Supreme Court Form AOC/01  
Administrative Office of Courts (Rev 2009)

**Court Identification Docket #**  
 County # 64 Judicial District 13 Court ID CI  
 District (CH, CI, CO)  
 Month 02 Date 19 Year 20  
 This area to be completed by clerk

**Case Year** 2020

**Docket Number** CV078  
Local Docket ID

**Case Number if filed prior to 1/1/94**

In the CIRCUIT Court of SIMPSON County — Judicial District

**Origin of Suit (Place an "X" in one box only)**  
☒ Initial Filing ☐ Reinstated ☐ Foreign Judgment Enrolled ☐ Transfer from Other court ☐ Other  
☐ Remanded ☐ Reopened ☐ Joining Suit/Action ☐ Appeal

**Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form**

**Individual** Sullivan Last Name John First Name — Maiden Name, if applicable — M. — Jr./Sr./III/IV —  
 Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: —  
 Estate of —  
 Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: —  
 D/B/A or Agency —

**Business**  
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated  
 Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:  
 D/B/A —

**Address of Plaintiff** 126 Traceridge dr Ridgeland 39157

**Attorney (Name & Address)** Michael Cory 213 South Lamar Street Jackson, MS 39201 MS Bar No. 9868  
 Check (x) if Individual Filing Initial Pleading is NOT an attorney  
 Signature of Individual Filing: [Signature]

**Defendant - Name of Defendant - Enter Additional Defendants on Separate Form**

**Individual** Morgan Last Name Anthony First Name — Maiden Name, if applicable — M.I. — Jr./Sr./III/IV —  
 Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: —  
 Estate of —  
 Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: —  
 D/B/A or Agency —

**Business**  
 Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated  
 Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:  
 D/B/A —

**Attorney (Name & Address) - If Known** — MS Bar No. —

**Damages Sought:** Compensatory \$ Undetermined Punitive \$ Undetermined Check (x) if child support is contemplated as an issue in this suit.\*  
 \*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

**Nature of Suit (Place an "X" in one box only)**

Domestic Relations	Business/Commercial	Children/Minors - Non-Domestic	Real Property
<input type="checkbox"/> Child Custody/Visitation	<input type="checkbox"/> Accounting (Business)	<input type="checkbox"/> Adoption - Contested	<input type="checkbox"/> Adverse Possession
<input type="checkbox"/> Child Support	<input type="checkbox"/> Business Dissolution	<input type="checkbox"/> Adoption - Uncontested	<input type="checkbox"/> Ejectment
<input type="checkbox"/> Contempt	<input type="checkbox"/> Debt Collection	<input type="checkbox"/> Consent to Abortion Minor	<input type="checkbox"/> Eminent Domain
<input type="checkbox"/> Divorce: Fault	<input type="checkbox"/> Employment	<input type="checkbox"/> Removal of Minority	<input type="checkbox"/> Eviction
<input type="checkbox"/> Divorce: Irreconcilable Diff.	<input type="checkbox"/> Foreign Judgment	<input type="checkbox"/> Other	<input type="checkbox"/> Judicial Foreclosure
<input type="checkbox"/> Domestic Abuse	<input type="checkbox"/> Garnishment	<b>Civil Rights</b>	<input type="checkbox"/> Lien Assertion
<input type="checkbox"/> Emancipation	<input type="checkbox"/> Replevin	<input type="checkbox"/> Elections	<input type="checkbox"/> Partition
<input type="checkbox"/> Modification	<input type="checkbox"/> Other	<input type="checkbox"/> Expungement	<input type="checkbox"/> Tax Sale: Confirm/Cancel
<input type="checkbox"/> Paternity	<b>Probate</b>	<input type="checkbox"/> Habeas Corpus	<input type="checkbox"/> Title Boundary or Easement
<input type="checkbox"/> Property Division	<input type="checkbox"/> Accounting (Probate)	<input type="checkbox"/> Post Conviction Relief/Prisoner	<input type="checkbox"/> Other
<input type="checkbox"/> Separate Maintenance	<input type="checkbox"/> Birth Certificate Correction	<b>Contract</b>	<b>Torts</b>
<input type="checkbox"/> Termination of Parental Rights	<input type="checkbox"/> Commitment	<input type="checkbox"/> Breach of Contract	<input type="checkbox"/> Bad Faith
<input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA)	<input type="checkbox"/> Conservatorship	<input type="checkbox"/> Installment Contract	<input type="checkbox"/> Fraud
<input type="checkbox"/> Other	<input type="checkbox"/> Guardianship	<input type="checkbox"/> Insurance	<input type="checkbox"/> Loss of Consortium
<b>Appeals</b>	<input type="checkbox"/> Heirship	<input type="checkbox"/> Specific Performance	<input type="checkbox"/> Malpractice - Legal
<input type="checkbox"/> Administrative Agency	<input type="checkbox"/> Intestate Estate	<input type="checkbox"/> Other	<input type="checkbox"/> Malpractice - Medical
<input type="checkbox"/> County Court	<input type="checkbox"/> Minor's Settlement	<b>Statutes/Rules</b>	<input type="checkbox"/> Mass Tort
<input type="checkbox"/> Hardship Petition (Driver License)	<input type="checkbox"/> Muniment of Title	<input type="checkbox"/> Bond Validation	<input type="checkbox"/> Negligence - General
<input type="checkbox"/> Justice Court	<input type="checkbox"/> Name Change	<input type="checkbox"/> Civil Forfeiture	<input checked="" type="checkbox"/> Negligence - Motor Vehicle
<input type="checkbox"/> MS Dept Employment Security	<input type="checkbox"/> Testate Estate	<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Product Liability
<input type="checkbox"/> Worker's Compensation	<input type="checkbox"/> Will Contest	<input type="checkbox"/> Injunction or Restraining Order	<input type="checkbox"/> Subrogation
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Wrongful Death
			<input type="checkbox"/> Other

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IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI  
JUDICIAL DISTRICT, CITY OF MAGEE

Docket No. 2020 - CV078 6413CJ  
 File Yr Chronological No. Clerk's Local ID

Docket No. If Filed  
 Prior to 1/1/94

**FILED**  
**FEB 19 2020**  
**SIMPSON COUNTY**  
**CIRCUIT COURT**

**DEFENDANTS IN REFERENCED CAUSE - Page 1 of 1 Defendants Pages**  
**IN ADDITION TO DEFENDANT SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

**Defendant #2:**

**Individual:** \_\_\_\_\_  
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** WESTERN EXPRESS, INC.

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

**ATTORNEY FOR THIS DEFENDANT:** \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_

**Defendant #3:**

**Individual:** \_\_\_\_\_  
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

**ATTORNEY FOR THIS DEFENDANT:** \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_

**Defendant #4:**

**Individual:** \_\_\_\_\_  
 Last Name First Name (Maiden Name, if Applicable) Middle Init. Jr/Sr/III/IV

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_ Check (✓) if Individual Defendant is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_ Check (✓) if Business Defendant is being sued in the name of an entity other than the above, and enter below:

D/B/A \_\_\_\_\_

**ATTORNEY FOR THIS DEFENDANT:** \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) \_\_\_ Not an Attorney(✓) \_\_\_



IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI

JOHN MAGRUDER SULLIVAN

PLAINTIFF

vs.

ANTHONY MORGAN  
and WESTERN EXPRESS, INC.

DEFENDANTS

**FILED**  
FEB 19 2020  
CIVIL ACTION NO. 20CV78  
SIMPSON COUNTY  
CIRCUIT COURT

COMPLAINT

JURY TRIAL DEMANDED

COMES NOW, the Plaintiff, John Magruder Sullivan, Individually and by and through his counsel of record, and files this Complaint against the Defendants, ANTHONY MORGAN and WESTERN EXPRESS, Inc., and in support thereof would respectfully show unto the Court the following:

**PARTIES & JURISDICTION**

1. Plaintiff, John Magruder Sullivan, is an adult resident citizen of Madison County, Mississippi. He was injured and his vehicle was damaged in Simpson County.

2. Defendant, Anthony Morgan, is an adult resident citizen of South Carolina, and can be served by certified mail at 365 Avalon Lane Garnett, SC 29922.

3. Defendant, Western Express, Inc., is a foreign corporation authorized to conduct business and deliver products within the State of Mississippi with proper service of the summons and complaint to: The Mississippi Secretary of State 401 Mississippi Street Jackson, MS 39201.

4. This Court has jurisdiction. Venue is proper.

### **FACTS**

5. On January 3, 2020, Mr. Sullivan was driving his Jeep Grand Cherokee on Highway 49 in Magee, Mississippi located in Simpson County. Sullivan was headed south bound on Highway 49 in the inside lane. He approached the Willie's Exit Ramp Road, he had no traffic control device, and was traveling the speed limit. A Freightliner Semi-truck, registered to Western Express Inc., pulling a flat-bed trailer, driven by Anthony Morgan, pulled out onto Highway 49 in front of Mr. Sullivan's vehicle. Mr. Sullivan's Jeep Grand Cherokee collided with the trailer.

6. As a result of the collision, Mr. Sullivan, sustained serious injuries and had to be taken to the local hospital for treatment and his vehicle was extensively damaged.

7. The vehicle, driven by Anthony Morgan, was registered to Western Express, Inc., and was insured through Cottingham and Butler Insurance Services, Inc. (Policy # CTF000011).

### **NEGLIGENCE**

8. Mr. Sullivan is not guilty of negligence at the time of this accident.

9. At the time and place complained of Defendant Anthony Morgan was guilty of negligence which was the sole proximate cause of the collision.

10. Alternatively, at the time and place complained of Defendant Anthony Morgan was guilty of negligence which was a proximate contributing cause of the collision.

**VICARIOUS LIABILITY**

11. Defendant Western Express, Inc., was the employer of Anthony Morgan, who was within the scope of his employment at the time of this accident. This is due to the fact Anthony Morgan was driving a vehicle registered to Western Express, Inc., and was employed as a driver. Therefore, due to Anthony Morgan's negligence while in the scope of his employment, Western Express, Inc., is liable under the doctrine of respondeant superior for negligent actions of Anthony Morgan.

**DAMAGES**

12. As a result of the negligence described herein, Plaintiff requests all compensatory damages allowed by law, including but not limited to damages for past present and future: (1) pain and suffering, (2) emotional distress, (3) lost wages, (4) medical bills, and (5) prescription bills. The Plaintiff further seeks recovery for property damage and loss of use. The Plaintiff also seeks prejudgment and post judgement interest plus all cost of court

Respectfully submitted, this the 18<sup>th</sup> day of February, 2020.

**JOHN MAGRUDER SULLIVAN**

  
MICHAEL V. CORY, JR (MSB #9868)

OF COUNSEL:

Michael V. Cory, Jr. (MSB#9868)  
Dale Danks, Jr. (MSB#5789)  
Danks, Miller & Cory  
213 S. Lamar Street (39201)  
P.O. Box 1759  
Jackson, MS 39215-1759  
Telephone: (601) 957-3101  
Facsimile: (601) 957-3160

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IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI

JOHN MAGRUDER SULLIVAN

PLAINTIFF

vs.

CIVIL ACTION NO. 20CV78

ANTHONY MORGAN  
AND WESTERN EXPRESS, INC.

DEFENDANT

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SUMMONS

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TO: Anthony Morgan  
By and through certified mail  
365 Avalon Lane  
Garnett, SC 29922

**NOTICE TO DEFENDANT**

THE *COMPLAINT* WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the *Complaint* to Michael V. Cory, attorney for the Plaintiff, whose address is 213 S. Lamar Street (39201), Post Office Box 1759, Jackson, Mississippi 39215. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and *Complaint* or a Judgment of Default will be entered against you for the money or other things demanded in the *Complaint*.

You must file the original of your responses with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 19th day of FEBRUARY, 2020.

Witt Fortenberry, CLERK  
Circuit Clerk of Simpson County, MS

BY: Kathryn Brien, DC

Prepared by:  
Michael V. Cory (MSB#9868)  
DANKS, MILLER & CORY  
213 South Lamar Street (39201)  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
Telephone: 601.957.3101  
Facsimile: 601.957.3160





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IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI

JOHN MAGRUDER SULLIVAN

PLAINTIFF

vs.

CIVIL ACTION NO. 20CV78

ANTHONY MORGAN  
AND WESTERN EXPRESS, INC.

DEFENDANT

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SUMMONS

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TO: WESTERN EXPRESS, INC.  
By and through THE MISSISSIPPI SECRETARY OF STATE  
401 Mississippi Street  
Jackson, MS 39201-1004

**NOTICE TO DEFENDANT**

THE *COMPLAINT* WHICH IS ATTACHED TO THIS SUMMONS, IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the *Complaint* to Michael V. Cory, attorney for the Plaintiff, whose address is 213 S. Lamar Street (39201), Post Office Box 1759, Jackson, Mississippi 39215. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this Summons and *Complaint* or a Judgment of Default will be entered against you for the money or other things demanded in the *Complaint*.

You must file the original of your responses with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 19th day of FEBRUARY, 2020.

Witt Fortenberry, CLERK  
Circuit Clerk of Simpson County, MS

BY: Kathryn Grien, DC

Prepared by:  
Michael V. Cory (MSB#9868)  
DANKS, MILLER & CORY  
213 South Lamar Street (39201)  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
Telephone: 601.957.3101  
Facsimile: 601.957.3160



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**IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI**

**JOHN MAGRUDER SULLIVAN**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 20-cv-78**

**ANTHONY MORGAN and  
WESTERN EXPRESS, INC.**

**DEFENDANT**

**ENTRY OF APPEARANCE**

**PLEASE TAKE NOTICE**, that the undersigned, Christian Medina, of the firm Danks, Miller & Cory, hereby enters his appearance as counsel of record for the Plaintiff, John Magruder Sullivan. This entry of appearance is made for all purposes.

**THIS** the 7<sup>th</sup> day of July, 2020.

Respectfully Submitted,

John Magruder Sullivan

BY: /s/ Christian Medina  
Christian Medina. (MSB#105708)

**OF COUNSEL:**

Christian Medina (MSB #105708)

[cmedina@dmclaw.net](mailto:cmedina@dmclaw.net)

**DANKS MILLER & CORY**

213 South Lamar Street

Jackson, Mississippi 39201

Post Office Box 1759 (39215)

Telephone: 601.957.3101

Facsimile: 601.957.3160



**CERTIFICATE OF SERVICE**

I, Christian Medina, one of the attorneys for the Plaintiff, do hereby certify that a copy of the above and foregoing pleading was this day forwarded to all counsel of record by depositing a copy of the same via MEC System:

This the 7<sup>th</sup> day of July, 2020.

/s/ Christian Medina  
Christian Medina

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**IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI**

**JOHN MAGRUDER SULLIVAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 20-cv-78**

**ANTHONY MORGAN  
and WESTERN EXPRESS, INC**

**DEFENDANTS**

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**ANSWER AND DEFENSES OF DEFENDANT WESTERN EXPRESS, INC.**

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COMES NOW Defendant, Western Express, Inc. (“Defendant” or “Western Express”), and submits its Answer and Defenses to the Complaint filed by Plaintiff, John Magruder Sullivan.

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38 of the Mississippi Rules of Civil Procedure, Defendant hereby demands a trial by jury on all issues so triable.

**FIRST DEFENSE**

Without waiving any defenses, Defendant responds to the allegations in Plaintiff’s Complaint, paragraph by paragraph, as follows:

1.

Except as expressly admitted herein, Defendant denies the allegations in paragraph 1 of the Complaint. Defendant admits, based upon information and belief, that Plaintiff is an adult resident citizen of Madison County, Mississippi.

2.

The allegations in paragraph 2 of the Complaint are not directed at this Defendant and do not require a response. However, to the extent that a response is deemed required, Defendant lacks

knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies the same.

3.

Defendant admits that it is a foreign corporation authorized to conduct business and deliver products within the State of Mississippi. Defendant admits that it can be served with process as prescribed by applicable law, which speaks for itself.

4.

Defendant admits that jurisdiction and venue are proper in this Court.

5.

Except as expressly admitted herein, Defendant denies the allegations in paragraph 5 of the Complaint. Defendant admits that an accident occurred on or about January 3, 2020 between a vehicle driven Plaintiff and a vehicle driven by Anthony Morgan, which was registered to Western Express, on Highway 49 in Magee, Simpson County, Mississippi. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5 of the Complaint and therefore denies the same.

6.

Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Complaint and therefore denies the same.

7.

Defendant admits the allegations in paragraph 7 of the Complaint.

8.

Defendant denies the allegations in paragraph 8 of the Complaint.



9.

Defendant denies the allegations in paragraph 9 of the Complaint.

10.

Defendant denies the allegations in paragraph 10 of the Complaint.

11.

Except as expressly admitted herein, Defendant denies the allegations in paragraph 11 of the Complaint. Defendant admits that, at the time of the subject accident, Anthony Morgan was an employee of Defendant and was acting within the course and scope of that employment. Defendant further admits that it would be vicariously liable for any simple negligence of Anthony Morgan in connection with the subject accident but specifically denies that it or Anthony Morgan was negligent in any way at any time relevant herein.

12.

Defendant denies the allegations contained in paragraph 12 of the Complaint. Defendant specifically denies that it is liable to Plaintiff for any judgment, damages, fees, costs, interest, or other relief whatsoever.

### **SECOND DEFENSE**

Defendant denies all allegations in Plaintiff's Complaint not expressly admitted herein.

### **THIRD DEFENSE**

Defendant denies all material allegations of Plaintiff's Complaint by which Plaintiff seeks to impose liability on Defendant, and Defendant denies all responsibility for the subject accident and Plaintiff's alleged injuries.

#### **FOURTH DEFENSE**

Plaintiff's negligence in failing to see Anthony Morgan's vehicle in plain, open, and obvious view, failing to see what he should have seen, driving too fast for the conditions, and failing to maintain a reasonable and proper lookout, was the sole proximate cause of the subject accident and Plaintiff's alleged injuries.

#### **FIFTH DEFENSE**

As the facts of this case have not been fully developed, Defendant affirmatively pleads and alleges that the sole proximate cause of the subject accident and injuries alleged in Plaintiff's Complaint was the negligence of Plaintiff in, *inter alia*, failing to yield the right of way; failing to maintain his vehicle in the correct lane of travel; violating Miss. Code Ann. § 63-3-611; driving too fast for the conditions then and there present; failing to anticipate the presence of other automobiles using the roadways; failing to exercise care to maintain a reasonable and proper lookout for other traffic using the roadways; failing to maintain a reasonable, proper, and constant lookout in the direction of his travel; failing to see Anthony Morgan's vehicle in plain, open, and obvious view; failing to see what he could and should have seen had he been looking; failing to exercise reasonable and ordinary care under the circumstances to avoid colliding with other vehicles using the roadways; failing to have his vehicle under reasonable and proper control; and failing to abide by applicable laws, rules, and regulations.

#### **SIXTH DEFENSE**

Any and all injuries alleged by Plaintiff were solely and proximately caused by the acts or omissions of Plaintiff and for which this Defendant cannot be held liable.

**SEVENTH DEFENSE**

Defendant affirmatively invokes section 11-7-15 of the Mississippi Code and all rights, benefits, defenses, protections, and privileges provided therein.

**EIGHTH DEFENSE**

Plaintiff's alleged injuries were solely and proximately caused by conditions and conduct for which Defendant is not liable or responsible.

**NINTH DEFENSE**

Defendant affirmatively invokes section 85-5-7 of the Mississippi Code and all rights, benefits, defenses, protections, and privileges provided therein.

**TENTH DEFENSE**

Plaintiff's alleged injuries were solely and proximately caused by the acts or omissions of persons, entities, parties, or nonparties other than Defendant and over whom Defendant has no control or responsibility.

**ELEVENTH DEFENSE**

To the extent that the acts or omissions of persons, entities, parties, or nonparties other than Defendant and over whom Defendant has no control or responsibility were superseding, intervening causes of Plaintiff's alleged injuries, Plaintiff is barred from any recovery against Defendant.

**TWELFTH DEFENSE**

At all relevant times, Anthony Morgan was operating his vehicle in a careful and prudent manner, was traveling at a safe and reasonable rate of speed, was keeping a reasonable and proper lookout, had his vehicle under reasonable and proper control, and was operating his vehicle in full compliance with all applicable laws, rules, and regulations.



**THIRTEENTH DEFENSE**

To the extent that Plaintiff's alleged injuries are not related to the subject accident or are the result of Plaintiff's preexisting mental or physical conditions, injuries, illnesses, or ailments, Plaintiff is barred from any recovery against Defendant.

**FOURTEENTH DEFENSE**

Defendant is entitled to a setoff or credit for all compensation paid to Plaintiff by other persons, entities, parties, or nonparties who are or may be liable for the injuries alleged in this action.

**FIFTEENTH DEFENSE**

To the extent that Plaintiff's alleged injuries resulted from a failure or refusal to mitigate damages, Plaintiff is barred from any recovery against Defendant.

**SIXTEENTH DEFENSE**

Defendant affirmatively invokes section 11-1-60 of the Mississippi Code and all rights, benefits, defenses, protections, and privileges provided therein.

**SEVENTEENTH DEFENSE**

Defendant affirmatively invokes section 11-1-69 of the Mississippi Code and all rights, benefits, defenses, protections, and privileges provided therein.

**EIGHTEENTH DEFENSE**

As the facts of this case have not been fully developed, Defendant pleads the following affirmative defenses as may be applicable to this action: accord and satisfaction, arbitration and award, assumption of risk, comparative negligence, contributory negligence, discharge in bankruptcy, duress, election of remedies, estoppel, failure of consideration, fraud, illegality, injury

by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver, and any other matter constituting an avoidance or affirmative defense.

**NINETEENTH DEFENSE**

While Defendant denies that it or Anthony Morgan was in any way negligent, Defendant does not dispute and has admitted that Defendant would be vicariously liable for any simple negligence of Anthony Morgan in connection with the subject accident. Therefore, Plaintiff's non-respondeat superior claims alleging independent negligence against Defendant, including but not limited to negligent supervision, negligent retention, negligent entrustment, and negligent hiring, must be dismissed in accordance with Mississippi law.

**TWENTIETH DEFENSE**

Defendant specifically reserves the right to amend this Answer and Defenses to include any other appropriate affirmative defenses that may be developed through discovery and/or investigation of the subject accident.

AND NOW, having fully and finally answered the allegations in Plaintiff's Complaint, Defendant respectfully requests that Plaintiff's Complaint be dismissed with prejudice and that all costs be assessed to Plaintiff.

Dated: October 29, 2020.

Respectfully submitted,

**Western Express, Inc, Defendant**

By: James R. Moore, Jr.  
James R. Moore, Jr. (MSB #3445)  
Kyle R. Ketchings (MSB #105212)  
*Attorneys for Defendant*

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OF COUNSEL:

**COPELAND, COOK, TAYLOR & BUSH, P.A.**

1076 Highland Colony Parkway  
600 Concourse, Suite 200  
Ridgeland, Mississippi 39157  
Post Office Box 6020  
Ridgeland, Mississippi 39158  
Telephone: 601-856-7200  
Fax: 601-856-7626  
jmoore@cctb.com  
kketchings@cctb.com

**CERTIFICATE OF SERVICE**

I, James R. Moore, Jr./Kyle R. Ketchings, certify that I have electronically filed the previous document with the Clerk of the Court using the ECF system, which sent notification of such filing to the following counsel of record:

Michael V. Cory, Jr., Esq.  
Dale Danks, Jr. Esq.  
Christian Medina, Esq.  
Danks, Miller & Cory  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
mc@dmclaw.net  
cmedina@dmclaw.net  
*Attorneys for Plaintiff*

Dated: October 29, 2020.

James R. Moore, Jr.  
James R. Moore, Jr.  
Kyle R. Ketchings



**IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI**

**JOHN MAGRUDER SULLIVAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 20-cv-78**

**ANTHONY MORGAN and  
WESTERN EXPRESS, INC.**

**DEFENDANTS**

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**NOTICE OF SERVICE OF DISCOVERY REQUESTS**

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Notice is hereby given, pursuant to Uniform Local Rules, that Defendant, Western Express, Inc., by and through its attorneys of record herein, has this date served in the above entitled action:

1. Defendant Western Express, Inc.'s First Set of Interrogatories to Plaintiff;
2. Defendant Western Express, Inc.'s First Set of Requests for Production of Documents to Plaintiff; and
3. Defendant Western Express, Inc.'s First Set of Requests for Admission.

Pursuant to local rules, the undersigned retains the originals of the above as custodian thereof.

**RESPECTFULLY SUBMITTED**, this the 29<sup>h</sup> day of October, 2020.

**Western Express, Inc., Defendant**

By: /s/ James R. Moore, Jr.  
James R. Moore, Jr. (MSB #3445)  
Kyle R. Kitchens (MSB #105212)  
*Attorneys for Defendant*

OF COUNSEL:

COPELAND, COOK, TAYLOR & BUSH, P.A.  
600 Concourse, Suite 200  
1076 Highland Colony Parkway  
Ridgeland, Mississippi 39157  
Post Office Box 6020  
Ridgeland, Mississippi 39158  
Telephone: (601) 856-7200  
Facsimile: (601) 856-7626  
[jmoore@cctb.com](mailto:jmoore@cctb.com)  
[kketchings@cctb.com](mailto:kketchings@cctb.com)

**Exhibit A**

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**CERTIFICATE OF SERVICE**

I, James R. Moore, Jr., do hereby certify that I have on this day forwarded a true and correct copy of the above and foregoing, via the Court's MEC system, to the following:

Michael V. Cory, Jr., Esq.  
Dale Danks, Jr., Esq.  
Christian Medina, Esq.  
Danks, Mill & Cory  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
[mc@dmclaw.net](mailto:mc@dmclaw.net)  
[cmedina@dmclaw.net](mailto:cmedina@dmclaw.net)  
*Attorneys for Plaintiff*

This, the 29<sup>th</sup> day of October, 2020.

/s/ James R. Moore, Jr.  
James R. Moore, Jr.

Case: 64CI1:20-cv-00078-EB Document #: 8 Filed: 10/30/2020 Page 1 of 2

**IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI**

**JOHN MAGRUDER SULLIVAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 20-cv-78**

**ANTHONY MORGAN  
and WESTERN EXPRESS, INC**

**DEFENDANTS**

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**ENTRY OF APPEARANCE**

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COMES NOW Kyle R. Ketchings, of Copeland, Cook, Taylor & Bush, P.A., Ridgeland, Mississippi, and hereby enters his appearance as counsel of record for Defendant, Western Express, Inc., in the above styled and numbered cause and gives notice of intent to defend the interests of Defendant.

RESPECTFULLY SUBMITTED, this the 30<sup>th</sup> day of October, 2020.

By: /s/ Kyle R. Ketchings  
Kyle R. Ketchings (MB# 105212)  
*Attorney for Defendant*

OF COUNSEL:

COPELAND, COOK, TAYLOR & BUSH, P.A.  
600 Concourse, Suite 200  
1076 Highland Colony Parkway  
Ridgeland, Mississippi 39157  
Post Office Box 6020  
Ridgeland, Mississippi 39158  
Telephone: (601) 856-7200  
Facsimile: (601) 856-7626  
email: kketchings@cctb.com

Case: 64CI1:20-cv-00078-EB Document #: 8 Filed: 10/30/2020 Page 2 of 2

**CERTIFICATE OF SERVICE**

I, Kyle R. Ketchings, do hereby certify that I have this date electronically filed the foregoing with the Clerk of the Court using the MEC system, which sent notification of such filing to the following:

Michael V. Cory, Jr., Esq.  
Dale Danks, Jr. Esq.  
Christian Medina, Esq.  
Danks, Miller & Cory  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
[mc@dmclaw.net](mailto:mc@dmclaw.net)  
[cmedina@dmclaw.net](mailto:cmedina@dmclaw.net)  
*Attorneys for Plaintiff*

This the 30<sup>th</sup> day of October, 2020.

/s/ Kyle R. Ketchings  
Kyle R. Ketchings

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**IN THE CIRCUIT COURT OF SIMPSON COUNTY**

**JOHN SULLIVAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 20-cv-78**

**ANTHONY MORGAN  
and WESTERN EXPRESS**

**DEFENDANTS**

**NOTICE OF SERVICE OF DISCOVERY**

**COMES NOW**, Christian Medina, attorney for the Plaintiff, John Sullivan. and hereby gives notice to the Court that true and correct copies of the following documents have been served:

1. Plaintiff's First Set of Interrogatories to Defendant, Western Express, Inc.;
2. Plaintiff's First Set of Requests for Production of Documents to Defendant, Western Express, Inc.; and
3. Plaintiff's First Set of Requests for Admissions to Defendant, Western Express, Inc.

Further notice is hereby given that the originals of the above documents are being retained in our files.

RESPECTFULLY SUBMITTED, this the 30<sup>th</sup> day of October, 2020.

**JOHN SULLIVAN, PLAINTIFF**

BY: /s/ Christian Medina  
CHRISTIAN MEDINA

OF COUNSEL:

Michael V. Cory, Jr. (MSB# 9868)  
Christian Medina (MSB#105708)  
Danks, Miller & Cory  
213 S. Lamar Street (39201)  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
Telephone: 601/957-3101



Case: 64CI1:20-cv-00078-EB Document #: 9 Filed: 10/30/2020 Page 2 of 2

**CERTIFICATE OF SERVICE**

I, Christian Medina, hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to the following:

Kyle Ketchings  
Copeland, Cook, Taylor, & Bush  
1076 Highland Colony Parkway  
Concourse 600, Suite 200  
Ridgeland, MS 39157

BY: /s/ Christian Medina

CHRISTIAN MEDINA

Case: 64Cl1:20-cv-00078-EB Document #: 10 Filed: 10/30/2020 Page 1 of 2

**IN THE CIRCUIT COURT OF SIMPSON COUNTY**

**JOHN SULLIVAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 20-cv-78**

**ANTHONY MORGAN  
and WESTERN EXPRESS**

**DEFENDANTS**

**NOTICE OF SERVICE OF DISCOVERY**

**COMES NOW**, Christian Medina, attorney for the Plaintiff, John Sullivan. and hereby gives notice to the Court that true and correct copies of the following documents have been served:

1. Plaintiff's First Set of Interrogatories to Defendant, Western Express, Inc.;
2. Plaintiff's First Set of Requests for Production of Documents to Defendant, Western Express, Inc.; and
3. Plaintiff's First Set of Requests for Admissions to Defendant, Western Express, Inc.

Further notice is hereby given that the originals of the above documents are being retained in our files.

RESPECTFULLY SUBMITTED, this the 30<sup>th</sup> day of October, 2020.

**JOHN SULLIVAN, PLAINTIFF**

BY: /s/ Christian Medina  
CHRISTIAN MEDINA

OF COUNSEL:

Michael V. Cory, Jr. (MSB# 9868)  
Christian Medina (MSB#105708)  
Danks, Miller & Cory  
213 S. Lamar Street (39201)  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
Telephone: 601/957-3101

Case: 64CI1:20-cv-00078-EB Document #: 10 Filed: 10/30/2020 Page 2 of 2

**CERTIFICATE OF SERVICE**

I, Christian Medina, hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to the following:

Kyle Ketchings  
Copeland, Cook, Taylor, & Bush  
1076 Highland Colony Parkway  
Concourse 600, Suite 200  
Ridgeland, MS 39157

BY: /s/ Christian Medina

CHRISTIAN MEDINA

**IN THE CIRCUIT COURT OF SIMPSON COUNTY**

**JOHN SULLIVAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 20-cv-78**

**ANTHONY MORGAN  
and WESTERN EXPRESS**

**DEFENDANTS**

**NOTICE OF SERVICE OF DISCOVERY**

**COMES NOW**, Christian Medina, attorney for the Plaintiff, John Sullivan. and hereby gives notice to the Court that true and correct copies of the following documents have been served:

1. Plaintiff's First Set of Interrogatories to Defendant, Western Express, Inc.;
2. Plaintiff's First Set of Requests for Production of Documents to Defendant, Western Express, Inc.; and
3. Plaintiff's First Set of Requests for Admissions to Defendant, Western Express, Inc.

Further notice is hereby given that the originals of the above documents are being retained in our files.

RESPECTFULLY SUBMITTED, this the 30<sup>th</sup> day of October, 2020.

**JOHN SULLIVAN, PLAINTIFF**

BY: /s/ Christian Medina

CHRISTIAN MEDINA

OF COUNSEL:

Michael V. Cory, Jr. (MSB# 9868)  
Christian Medina (MSB#105708)  
Danks, Miller & Cory  
213 S. Lamar Street (39201)  
Post Office Box 1759  
Jackson, Mississippi 39215-1759  
Telephone: 601/957-3101

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**CERTIFICATE OF SERVICE**

I, Christian Medina, hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to the following:

Kyle Ketchings  
Copeland, Cook, Taylor, & Bush  
1076 Highland Colony Parkway  
Concourse 600, Suite 200  
Ridgeland, MS 39157

BY: /s/ Christian Medina

CHRISTIAN MEDINA



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**IN THE CIRCUIT COURT OF SIMPSON COUNTY, MISSISSIPPI**

**JOHN MAGRUDER SULLIVAN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 20-cv-78**

**ANTHONY MORGAN  
and WESTERN EXPRESS, INC**

**DEFENDANTS**

**NOTICE OF SERVICE OF DISCOVERY**

**COMES NOW**, Christian Medina, attorney for the Plaintiff, John M. Sullivan, and hereby gives notice to the Court that true and correct copies of the following documents have been served:

1. Plaintiff's Responses to Defendant's First Set of Requests for Admissions

Further notice is hereby given that the originals of the above documents are being retained in our files.

RESPECTFULLY SUBMITTED, this the 6<sup>th</sup> day of November, 2020.

**JOHN M. SULLIVAN  
PLAINTIFF**

/s/ Christian Medina  
CHRISTIAN MEDINA (MSB#105708)

Case: 64CI1:20-cv-00078-EB Document #: 12 Filed: 11/06/2020 Page 2 of 2

OF COUNSEL:

Michael V. Cory, Jr. (MSB# 9868)

Christian Medina (MSB#105708)

Danks, Miller & Cory

213 S. Lamar Street (39201)

Post Office Box 1759

Jackson, Mississippi 39215-1759

Telephone: 601/957-3101

**CERTIFICATE OF SERVICE**

I, Christian Medina, hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of such filing to all Counsel of record.

This the 6<sup>th</sup> day of January, 2020.

/s/ Christian Medina  
CHRISTIAN MEDINA (MSB#105708)